



City of Freeport

REGULAR COUNCIL MEETING MINUTES

April 22, 2021, 6:30 PM

Council Chambers, Freeport City Hall

Council Members Present: Mayor Russ Barley, Councilwoman Elizabeth Brannon, Councilman Eddie Farris, Councilman Mark Martin, Councilwoman Elizabeth Haffner

Council Members Absent: Councilwoman Amanda Green

Staff Members Present: City Manager Charlie Simmons, City Clerk Malani Robinson, City Attorney Clay Adkinson, Planning Director Latilda Neel, Finance Officer Sara Bowers, Billing Manager Debbie Roberts, Parks Director Travis Digges, Water Supervisor Larry Tuggle, Sewer Supervisor Robert Fawcett, City Engineer Alex Rouchaleau

1. Meeting Called to Order

The meeting was called to order at 6:41 PM by Mayor Barley in the Council Chambers of Freeport City Hall.

2. Invocation and Pledge of Allegiance

The invocation was given by Councilman Farris, followed by the Pledge of Allegiance to the American Flag.

3. Recognition of Guests

None.

4. Keith Kelly- Freeport Football & Cheer Assoc.

Mr.Keith Kelly, President of the Freeport Football and Cheer Association approached the Council requesting continued use of the multi-purpose fields at the Sports Complex for the association. Mr.Kelly stated that the association would need use of the fields from July 5- November 5 every Monday, Tuesday, and Thursday from 5:30PM-8:00PM for practice. The association has been using the fields for three years and would like to continue doing so.

Moved by: Councilwoman Haffner

Seconded by: Councilman Farris

To APPROVE the Freeport Football & Cheer Association's use of the multipurpose fields from July 5- November 5, 5:30PM-8:00PM every Monday, Tuesday, and Thursday.

A roll call vote was ordered, and the vote was as follows:

Councilman Farris: aye

Councilman Martin: aye

Councilwoman Haffner: aye

Councilwoman Brannon: aye

Carried

5. Request for Placement on the City Council Agenda

- a. Bills
- b. Revenue & Expenditure Reports
- c. City Council Meeting Minutes- April 13, 2021

6. Public Comment on Consent Agenda

None.

7. Approval of Consent Agenda

Moved by: Councilman Farris

Seconded by: Councilwoman Brannon

To APPROVE the consent Agenda as presented.

A roll call vote was ordered, and the vote was as follows:

Councilman Farris: aye

Councilman Martin: aye

Councilwoman Haffner: aye

Councilwoman Brannon: aye

Carried

8. Consideration of Additions/Deletions to Agenda

- Councilman Martin- High School DCT Student

9. Approval of Agenda with Additions/Deletions

Moved by: Councilwoman Haffner

Seconded by: Councilwoman Brannon

To APPROVE the Agenda with the specified additions as presented.

A roll call vote was ordered, and the vote was as follows:

Councilman Farris: aye

Councilman Martin: aye

Councilwoman Haffner: aye

Councilwoman Brannon: aye

Carried

10. Staff Reports

- Water
- Sewer
- Parks
- City Manager

1. Legislation Bill for Entertainment District in Hammock Bay

City Manager Simmons introduced Mr. Jay Odom who would present his plans for the Entertainment District in Hammock Bay. Mr. Odom approached the Council by first apologizing for any confusion that arose due to the article in the paper.

Mr. Odom expressed that he was under the impression that the City was aware of his plans due to his presentation at the Legislative Delegation at City Hall, which aligned with taking steps towards creating a special use district. Mr. Odom continued by presenting an illustration of his plans for the town center which included restaurants, a brewery/pub, food truck park, and an entertainment venue for families all with the windmill theme. This special use district would allow the sale and use of alcohol anywhere within the district. Mr. Odom noted that ten years ago he donated 30 acres of land to the school district for the location of the new middle school, however the

City has an ordinance which restricts alcohol distribution to 1,000 feet from a school. Mr.Odom noted that the plans for the special district would satisfy the 1,000-foot restriction, however Senator Gainer would like reassurance that the City was on board with the special district. Councilwoman Haffner sought clarity on the distance of the special district from the school, Mr.Odom clarified on the site plans and expressed that he was available for direct questioning from the City at any time. The Council sought legal counsel from City Attorney Adkinson regarding the appropriate measures for Mayor Barley to write a letter to Senator Gainer rendering his support for Mr.Odom's special district.

Public Comment: Ms.Wert expressed that Florida's law regarding alcohol distributions were strict and offered enough deterrence to businesses, therefore she believes parents should have no negative feelings regarding the special district.

Moved by: Councilman Martin
Seconded by: Councilman Farris

To APPROVE Mayor Barley sending a letter of support to Senator Gainer for the special district bill.

A roll call vote was ordered, and the vote was as follows:

Councilman Farris: aye

Councilman Martin: aye

Councilwoman Haffner: aye

Councilwoman Brannon: aye

Carried

- e. City Clerk
- f. Finance
- g. Billing
- h. Planning
- 1. 67 Joe Campbell Road Re-Zoning

City Planner Williams presented the proposed 67 Joe Campbell Road re-zoning ordinance before Council, requesting a second reading which would convert the property from residential to commercial. The owners of the property would like to use the space for an office for a land surveying company.

Moved by: Councilman Farris
Seconded by: Councilwoman Brannon

To APPROVE the second reading of the ordinance.

A roll call vote was ordered, and the vote was as follows:

Councilman Farris: aye

Councilman Martin: aye

Councilwoman Haffner: aye

Councilwoman Brannon: aye

Carried

i. Legal

j. Engineering

1. WWTF 1.5 MGD Expansion Bid Results

Engineer Rouchaleau presented the Council the bid results of the WWTF 1.5 MGD Expansion Bid Results, noting that the lowest bidder was WPC Industrial Contractors LLC/Randall Environmental a joint venture. Despite being the lowest bidder Engineer Rouchaleau and City Attorney Adkinson did some research and believed it to be in the best interest of the City to reject the lowest bid and to award Sawcross Inc. the second lowest bidder the project. City Attorney Adkinson and Engineer Rouchaleau expressed that the WPC Industrial Contractors LLC/Randall Environment bid was deemed non-responsive and non-responsible for the following reasons:

Failure to disclose the fact that WPC did not finish a contractually obligated project for the City of Bonifay. The project was a year late and subcontractors were not paid. These facts were confirmed by City Engineer, Mott McDonald and City Clerk, Beverly Gilley to Mr. Philip Jones on 4/21/2021.

- Failure to disclose litigation pending on WPC.
- Failure to disclose WPC is under a 2-year suspension from working with Jacksonville Electric Authority for exceeding contract time and not completing a project.
- No General Contractor license provided for the Joint Venture; only for the individual entities.

- Only one job referenced in the last 5 years for WPC. All other jobs listed were over 5 years ago.
- No job references were listed at all for Randall Environment; only for Intercounty Engineers and those were not similar to this project. In addition, Intercounty Engineers has a backlog of approximately \$25 million worth of outstanding work in South & Central Florida that will be ongoing while constructing the City's WWTF.
- Actual Financial Information was not included in the bid package, only a letter stating it could be provided.

The following USDA Forms were not provided with the bid:

1. Form AD-1048: Certification Regarding Debarment, Suspension
 2. RD-1940-Q: Certification for Contracts, Grants, and Loans
 3. Form RD 400-6: Compliance Statement
 4. Bulletin 1780-35, Exhibit C: Certification of Compliance... American Iron and Steel Requirements.
 5. Notice to Prospective Subcontractors of Requirements for Certifications of Non-Segregated Facilities
- While representing themselves as a Joint Venture, they did not provide any delineation as to who will be performing the work. According to Mr. Adkinson, Attorney at Law, this does not meet the requirements for a Joint Venture for the following reasons:
 - a. 13.05: A Bid by a joint venture shall be executed by an authorized representative of each joint venturer in the manner indicated on the Bid Form. There is only one signature on the Bid Submittal Article 9. In addition, there is no attached authority to sign per the document instructions.
 - b. Under 11 – Sections A and B both require each Joint Ventures projects to be listed separately. This was not included in the packet that was provided. While a list of experience is provided, it does not appear to clearly enumerate each project separately.

City Manager Simmons informed the Council that City Attorney Adkinson and Engineer Rouchaleau did their due diligence by researching the company to ensure that the City was making the appropriate decision. Councilmembers expressed their thanks.

Engineer Rouchaleau informed the Council that there was an alternate that was added to the bid which includes fencing of the entire Wastewater Treatment Facility site. The fencing is optional and would cost \$103,400. Councilmembers asked for clarity on the additive, Engineer Rouchaleau noted that the additive was for a security measure noting that Sewer Supervisor Fawcett approved of the additional item if the

funding was available. Engineer Rouchaleau noted that there would be a request sent to USDA to revise the application to include the amount and if the funds were rejected then they would not add it.

Moved by: Councilman Farris
Seconded by: Councilwoman Haffner

To REJECT the lowest bidder WPC Industrial Contractors LLC/Randall Environmental due to their bid being non-responsive and non-responsible.

A roll call vote was ordered, and the vote was as follows:

Councilman Farris: aye
Councilman Martin: aye
Councilwoman Haffner: aye
Councilwoman Brannon: aye

Carried

Moved by: Councilwoman Haffner
Seconded by: Councilman Martin

To AWARD Sawcross, Inc the contract declaring them the lowest responsive and responsible bidder at \$28,589,000.

A roll call vote was ordered, and the vote was as follows:

Councilman Farris: aye
Councilman Martin: aye
Councilwoman Haffner: aye
Councilwoman Brannon: aye

Carried

Moved by: Councilman Farris
Seconded by: Councilwoman Brannon

To award the additive bid and to determine that the additive bid does not deter or alter the determination of Sawcross LLC as being the lowest responsive and responsible bidder.

A roll call vote was ordered, and the vote was as follows:

Councilman Farris: aye
Councilman Martin: aye
Councilwoman Haffner: aye
Councilwoman Brannon: aye

Carried

Moved by: Councilman Martin
Seconded by: Councilwoman Brannon

To APPROVE Engineer Rouchaleau to move forward with submitting the subsequent application to USDA to get the additional funding for the alternate bid item.

A roll call vote was ordered, and the vote was as follows:

Councilman Farris: aye
Councilman Martin: aye
Councilwoman Haffner: aye
Councilwoman Brannon: aye

Carried

11. Old Business

12. New Business

- a. Mayor Russ Barley
- b. Councilwoman Brannon
- c. Councilman Farris
- d. Councilwoman Green
- e. Councilwoman Haffner
- f. Councilman Martin

1. DCT High School Student

Councilman Martin expressed his desire to start a DCT Program to engage High School students into city government careers. Councilman Martin expressed that it would be a great way to build local jobs and give insight on local government. Councilman Martin informed the Council that he would like for City Manager Simmons to reach out to the principal of Freeport Highschool for guidance on the matter.

Moved by: Councilman Martin

Seconded by: Councilwoman Brannon

To have City Manager Simmons reach out to the principal of the Freeport High School regarding a DCT Program with the City.

A roll call vote was ordered, and the vote was as follows:

Councilman Farris: aye

Councilman Martin: aye

Councilwoman Haffner: aye

Councilwoman Brannon: aye

Carried

13. Public Comment

14. Adjournment

Mayor Barley motioned to adjourn. The meeting adjourned at 7:21PM.



Mayor

ATTEST:



City Clerk